

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00283

Jacob Durst,
Petitioner,

v.

Smith County,
Respondent.

O R D E R

On June 5, 2023, petitioner Jacob Durst, proceeding pro se, filed this federal petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 3.

On June 8, 2023, the magistrate judge instructed petitioner to amend his petition to clarify his claims. Doc. 4. Petitioner did not file an amended petition.

On September 29, 2023, the magistrate judge entered a report recommending that petitioner's case be dismissed without prejudice for want of prosecution and failure to obey an order. Doc. 6. No objections have been filed.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc). Having reviewed the magistrate judge's report and being satisfied that the report contains no clear error, the court accepts the findings and conclusions of the report. Accordingly, the complaint is dismissed without prejudice for failure to prosecute and for failure to comply with a court order.

So ordered by the court on November 17, 2023.



J. CAMPBELL BARKER
United States District Judge